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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

THE ESTATE OF ALFONSO LIMON, JR.;

ALFONSO LIMON, SR., individually,
 and as Successor in Interest to
 ALFONSO LIMON, JR.;
 ALEJANDRA LIMON, individually,
 and as Successor in Interest to
 ALFONSO LIMON, JR.; GERARDO
 LIMON, an individual,

Plaintiffs,

v.

CITY OF OXNARD; THE OXNARD
 POLICE DEPARTMENT; THE CHIEF
 OF POLICE FOR THE OXNARD
 POLICE DEPARTMENT, JERI
 WILLIAMS; SENIOR OFFICER
 JOHN BRISLINGER; OFFICER
 ERNIE OROZCO; OFFICER DON
 EHRHARDT; OFFICER JESS
 ARAGON; OFFICER ROCKY
 MARQUEZ; OFFICER PEDRO
 RODRIGUEZ; OFFICER RYAN

PLAINTIFFS' COMPLAINT FOR DAMAGES

1. WRONGFUL DEATH (BATTERY)
2. WRONGFUL DEATH (NEGLIGENCE)
3. VIOLATIONS OF CIVIL CODE SECTION 52.1
4. ASSAULT
5. NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS
6. VIOLATIONS OF CIVIL RIGHTS (42 USC § 1983) - INDIVIDUAL LIABILITY UNDER FOURTH AMENDMENT

FILED
 13 MAR 19 PM 1:56
 CLERK U.S. DISTRICT COURT
 CENTRAL DIST. OF CALIF.
 LOS ANGELES

CV-13-01961 SS

1 LOCKNER; OFFICER ZACK STILES;
2 OFFICER MATTHEW ROSS; and
DOES 1 through 10, Inclusive,

3 Defendants.

7. **VIOLATIONS OF CIVIL
RIGHTS (42 USC § 1983) –
INDIVIDUAL LIABILITY
UNDER FOURTEENTH
AMENDMENT**

8. **VIOLATIONS OF CIVIL
RIGHTS (42 § 1983) – ENTITY
LIABILITY UNDER FOURTH
AMENDMENT**

9 Plaintiffs THE ESTATE OF ALFONSO LIMON, JR.; ALFONSO LIMON,
10 SR., individually, and as Successor in Interest to ALFONSO LIMON, JR.;
11 ALEJANDRA LIMON, individually, and as Successor in Interest to ALFONSO
12 LIMON, JR.; and GERARDO LIMON, individually, allege on information and
13 belief:

14 I. INTRODUCTION

15 1. Plaintiffs bring this action against Defendants alleging violations of 42 U.S.C. §
16 1983. Section 1983 establishes that every person who, under color of any statute, ordinance,
17 regulation, custom, or usage, of any State or Territory or the District of Columbia subjects, or
18 causes to be subjected, any citizen of the United States or other person within the jurisdiction
19 thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and
20 laws shall be liable to the party injured in an action at law.

21 2. This case is brought under Section 1983 based upon the fact that the
22 named Oxnard police officers, while acting under the color of law, negligently and
23 unreasonably fired shots at ALFONSO LIMON, JR., and GERARDO LIMON,
24 assaulted ALFONSO LIMON, JR., and GERARDO LIMON, and shot and killed
25 ALFONSO LIMON, JR., thereby depriving Plaintiffs of their Fourth Amendment
26 right to be free from excessive force.

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3. Plaintiffs bring this action against Defendants based on Defendants' violations of the Constitutional rights of ALFONSO LIMON, JR., and GERARDO LIMON, the assault on ALFONSO LIMON, JR., and GERARDO LIMON, and the resulting wrongful death of ALFONSO LIMON, JR., and infliction of emotional distress on GERARDO LIMON. Plaintiffs seek general and compensatory damages, funeral and burial expenses, loss of household services and other special damages, statutory damages, costs and attorney's fees, all of which are made available by statute, 42 U.S.C. § 1983.

II. PARTIES

4. At all relevant times mentioned herein, Plaintiffs ALFONSO LIMON, SR., ALEJANDRA LIMON, GERARDO LIMON, and Plaintiffs' decedent, ALFONSO LIMON, JR., were residents of the State of California, County of Ventura.

5. At all relevant times mentioned herein, Defendants the CITY OF OXNARD and the OXNARD POLICE DEPARTMENT are municipal corporations organized and existing under the laws of the State of California.

6. At all relevant times mentioned herein, Defendant CHIEF OF POLICE FOR THE OXNARD POLICE DEPARTMENT JERI WILLIAMS, SENIOR OFFICER JOHN BRISSLINGER, OFFICER ERNIE OROZCO, OFFICER DON EHRHARDT, OFFICER JESS ARAGON, OFFICER ROCKY MARQUEZ, OFFICER PEDRO RODRIGUEZ, OFFICER RYAN LOCKNER, OFFICER ZACK STILES, and OFFICER MATTHEW ROSS were employed by the Defendants the CITY OF OXNARD and the OXNARD POLICE DEPARTMENT and were acting in the course and scope of their employment for such municipal corporations and under color of state law.

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7. At all relevant times mentioned herein, ALFONSO LIMON, SR., was the father of decedent of ALFONSO LIMON, JR., and ALEJANDRA LIMON was the mother of decedent ALFONSO LIMON, JR. ALFONSO LIMON, JR., had neither a spouse nor children, thereby qualifying ALFONSO LIMON, SR., and ALEJANDRA LIMON as Successors-in-Interest. Further, for these same reasons, at all relevant times, ALFONSO LIMON, SR., and ALEJANDRA LIMON are the heirs at law of the decedent.

8. The true names and capacities, whether individual, plural, corporate, partnership, associate, or otherwise, of DOES 1 through 10, inclusive, are unknown to Plaintiffs who therefore sue said Defendants by such fictitious names. The full extent of the facts linking such fictitiously sued Defendants is unknown to Plaintiffs. Plaintiffs are informed and believe, and thereon allege, that each of the Defendants designated herein as a DOE was, and is, negligent, or in some other actionable manner, responsible for the events and happenings hereinafter referred to, and thereby negligently, or in some other actionable manner, legally and proximately caused the hereinafter described injuries and damages to Plaintiffs. Plaintiffs will hereafter seek leave of the Court to amend this Complaint to show the Defendants' true names and capacities after the same have been ascertained. Plaintiffs are informed and believe, and thereon allege, that at all times mentioned herein, Defendants and DOES 1 through 10, inclusive, and each of them, were agents, servants, employees, successors in interest, and/or joint venturers of their co-Defendants, and were, as such, acting within the course, scope, and authority of said agency, employment, and/or venture, and that each and every Defendant, as aforesaid, when acting as a principal, was negligent in the selection and hiring, training, and supervision of each and every other Defendant as an agent, servant, employee, successor in interest, and/or joint venturer.

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III. JURISDICTION AND VENUE

9. This Court has federal question jurisdiction pursuant to 28 U.S.C. §§ 1331, 42 U.S.C. 1343 because this action arises under 42 U.S.C. 1983.

10. Venue in this judicial district is proper under 28 U.S.C. § 1391 in that this is the judicial district in which a substantial part of the events or omissions giving rise to the claims occurred.

IV. GENERAL ALLEGATIONS

11. On October 29, 2012, a Claim for Damages was presented pursuant to and in substantial compliance with California *Government Code* § 910 for damages sustained as a result of the incident alleged herein. On November 7, 2012, Plaintiffs filed an Amended Claim for Damages with the City of Oxnard. Said claims are deemed rejected as forty-five (45) days have passed with no response, thus giving Plaintiffs standing to present these claims.

12. This Complaint concerns an incident which occurred during the evening hours of October 13, 2012, occurring near the intersection of Cooper and Garfield Streets, in Oxnard, California, in the County of Ventura, where Oxnard police officers fired shots at ALFONSO LIMON, JR., and GERARDO LIMON and shot and killed ALFONSO LIMON, JR. (hereafter "SUBJECT INCIDENT").

13. At approximately 9:30 p.m., decedent ALFONSO LIMON, JR., and his brother, Plaintiff GERARDO LIMON, were walking to their home on Roosevelt Street in a normal, orderly and lawful fashion after jogging at Pacifica High School. At or about the same time, CITY OF OXNARD police officers had multiple black-and-whites units in the area making a stop of a vehicle they believed had armed suspects. The suspects were ordered to exit their vehicle and remain standing but instead ran from the police officers, with at least one suspect running toward the

1 intersection of Cooper and Garfield Streets, as ALFONSO LIMON, JR., and
2 GERARDO LIMON continued to walk home. The CITY OF OXNARD police
3 officers began to chase the fleeing suspects.

4 14. Thereafter, the CITY OF OXNARD police officers, without any
5 warning and without properly identifying the suspect(s), negligently and recklessly
6 opened fire at ALFONSO LIMON, JR., and GERARDO LIMON, claiming they
7 mistook them for the suspects. The CITY OF OXNARD police officers killed
8 ALFONSO LIMON, JR. Plaintiff GERARDO LIMON ran from the location to a
9 safe place across the street with bullets barely missing him. According to witnesses,
10 prior to being killed, ALFONSO LIMON, JR., while facing multiple CITY OF
11 OXNARD officers in full view, put his hands up and yelled multiple times "don't
12 shoot, don't shoot". Despite ALFONSO LIMON, JR.'s pleas, CITY OF OXNARD
13 police officers shot him and he fell to the ground. While on the ground and still
14 alive, multiple CITY OF OXNARD police officers approached him and continued
15 to shoot at him and killed him. Only after killing ALFONSO LIMON, JR., did said
16 officers realize that the actual suspect was behind a car at the corner parking lot of
17 Cooper and Garfield Streets some sixty feet away from ALFONSO LIMON, JR.
18 Said suspect was not wearing similar clothes, nor did he have the same appearance
19 or build as ALFONSO LIMON, JR.

20 15. After it was clear that ALFONSO LIMON, JR., was not a suspect and
21 had been killed at the hands of the OXNARD POLICE DEPARTMENT, the
22 OXNARD POLICE DEPARTMENT's officers, commanders and/or supervisors
23 failed to inform the Limon family that their son and brother had been killed. In fact,
24 the family, who identified themselves to officers at the scene, were not allowed to
25 see their son and brother. At no time did the CITY OF OXNARD or the OXNARD
26 POLICE DEPARTMENT provide any update to the family regarding ALFONSO
27 LIMON, JR. All through the night, family members called the commanders at the
28 OXNARD POLICE DEPARTMENT requesting any information regarding

1 ALFONSO LIMON, JR., and were only told that no information could be released,
2 which caused the family to drive to different hospitals in search of their son and
3 brother throughout the night and the next day. Only two days later did
4 representatives from the OXNARD POLICE DEPARTMENT inform the family
5 that their son and brother was dead.

6 16. On October 13, 2012, the OXNARD POLICE DEPARTMENT was in
7 violation of its policies and procedures, which resulted in the death of ALFONSO
8 LIMON, JR. The OXNARD POLICE DEPARTMENT police officers, who shot at
9 ALFONSO LIMON, JR., and his brother, GERARDO LIMON, did not have any
10 vantage point of the suspects and/or of the situation and had no idea who was or was
11 not a suspect. In fact, as stated by THE CHIEF OF POLICE FOR THE OXNARD
12 POLICE DEPARTMENT JERI WILLIAMS in her October 18, 2012, press release,
13 "During this rapidly developing foot pursuit ... some of the officers believed that
14 ALFONSO LIMON [JR.] was one of the suspects. As a result, some of the officers
15 fired their weapons at him." The OXNARD POLICE DEPARTMENT police
16 officers negligently and recklessly fired their weapons into a crowded street and
17 neighborhood without regard for the safety and security of the community,
18 including, specifically ALFONSO LIMON, JR., and GERARDO LIMON. In fact,
19 the OXNARD POLICE DEPARTMENT police officers intended to shoot
20 ALFONSO LIMON, JR.

21 17. The manner in which the CITY OF OXNARD police officers
22 conducted the vehicle stop of the suspect(s) was negligent, reckless and endangered
23 the community. Among other things, the tactics used that night were negligent and
24 reckless, causing a chaotic scene whereby multiple CITY OF OXNARD police
25 officers open fired on ALFONSO LIMON, JR., and GERARDO LIMON, mistaking
26 ALFONSO LIMON, JR., and GERARDO LIMON as suspects.

27 18. Both prior to and during the time in which ALFONSO LIMON, JR.,
28 and GERARDO LIMON were shot at by CITY OF OXNARD police officers,

1 ALFONSO LIMON, JR., and GERARDO LIMON posed no reasonable threat of
2 violence to any of the Defendants nor to any other individual.

3
4 **FIRST CLAIM**

5 **WRONGFUL DEATH (BATTERY)**

6 **(By Plaintiffs THE ESTATE OF ALFONSO LIMON, JR., ALFONSO**
7 **LIMON, SR., and ALEJANDRA LIMON Against CITY OF OXNARD,**
8 **OXNARD POLICE DEPARTMENT, THE CHIEF OF POLICE FOR**
9 **THE OXNARD POLICE DEPARTMENT, JERI WILLIAMS,**
10 **SENIOR OFFICER JOHN BRISSLINGER, OFFICER ERNIE**
11 **OROZCO, OFFICER DON EHRHARDT, OFFICER JESS ARAGON,**
12 **OFFICER ROCKY MARQUEZ, OFFICER PEDRO RODRIGUEZ,**
13 **OFFICER RYAN LOCKNER, OFFICER ZACK STILES, OFFICER**
14 **MATTHEW ROSS, and DOES 1 through 10, Inclusive)**

15 19. Plaintiffs restate and incorporate herein by reference each and every
16 allegation and statement contained in the prior paragraphs.

17 20. Plaintiffs are informed and believe, and thereupon allege, that
18 Defendants and DOES 1 through 10, and each of them, willfully and unlawfully
19 used force upon the person of ALFONSO LIMON, JR., by shooting and killing him.
20 At the time of the aforementioned battery, ALFONSO LIMON, JR., posed
21 absolutely no threat to Defendants or anyone else whatsoever.

22 21. The conduct of Defendants and DOES 1 through 10, and each of them,
23 described herein above, was done within the course and scope of their employment,
24 agency and/or service with Defendants CITY OF OXNARD and/or OXNARD
25 POLICE DEPARTMENT, and under color of their authority, and Defendants CITY
26 OF OXNARD and/or OXNARD POLICE DEPARTMENT, and each of them, are,
27 therefore, vicariously liable for same under *Government Code* §§815.2, 815.3 and
28 820.

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22. The aforementioned acts of Defendants and DOES 1 through 10 were done by them knowingly, intentionally, and maliciously, for the purpose of harassment, oppression and inflicting injury upon ALFONSO LIMON, JR., and in reckless, wanton and callous disregard of his safety, security, and civil rights.

23. As a direct and proximate result of the aforesaid conduct of the Defendants, and each of them, and the resultant battery and death of ALFONSO LIMON, JR., Plaintiffs have suffered loss of earnings and earnings capacity of ALFONSO LIMON, JR., have incurred liability for funeral and burial expenses, and sustained injuries, including, but not limited to, loss of love, affection, comfort, care, companionship, and support of their beloved son, as well as loss of financial support, in an amount to be determined.

SECOND CLAIM

WRONGFUL DEATH (NEGLIGENCE)

(By Plaintiffs ESTATE OF ALFONSO LIMON, JR., ALFONSO LIMON, SR., and ALEJANDRA LIMON Against CITY OF OXNARD, OXNARD POLICE DEPARTMENT, THE CHIEF OF POLICE FOR THE OXNARD POLICE DEPARTMENT, JERI WILLIAMS, SENIOR OFFICER JOHN BRISSLINGER, OFFICER ERNIE OROZCO, OFFICER DON EHRHARDT, OFFICER JESS ARAGON, OFFICER ROCKY MARQUEZ, OFFICER PEDRO RODRIGUEZ, OFFICER RYAN LOCKNER, OFFICER ZACK STILES, OFFICER MATTHEW ROSS, and DOES 1 through 10, Inclusive)

24. Plaintiffs restate and incorporate herein by reference each and every allegation and statement contained in the prior paragraphs.

25. Plaintiffs are informed, believe, and thereon allege that, at all times relevant and mentioned herein, Defendants CITY OF OXNARD, OXNARD POLICE DEPARTMENT, THE CHIEF OF POLICE FOR THE OXNARD

1 POLICE DEPARTMENT, JERI WILLIAMS, SENIOR OFFICER JOHN
 2 BRISSLINGER, OFFICER ERNIE OROZCO, OFFICER DON EHRHARDT,
 3 OFFICER JESS ARAGON, OFFICER ROCKY MARQUEZ, OFFICER PEDRO
 4 RODRIGUEZ, OFFICER RYAN LOCKNER, OFFICER ZACK STILES,
 5 OFFICER MATTHEW ROSS, and DOES 1 through 10, inclusive, and each of
 6 them, owed a duty of care to all reasonably foreseeable people, including Plaintiff,
 7 to carry out their law enforcement duties in a reasonable manner, including the use
 8 of any firearms or any force whatsoever.

9 26. Plaintiffs are informed, believe, and thereon allege that, at all times
 10 relevant and mentioned herein, Defendants CITY OF OXNARD, OXNARD
 11 POLICE DEPARTMENT, THE CHIEF OF POLICE FOR THE OXNARD
 12 POLICE DEPARTMENT, JERI WILLIAMS, and DOES 1 through 10, inclusive,
 13 and each of them, carelessly and negligently carried out their law enforcement
 14 duties, and particularly used their firearms in a reckless way wherein they shot
 15 ALFONSO LIMON, JR., an innocent bystander who posed no threat of harm to any
 16 person.

17 27. Plaintiffs are informed, believe, and thereon allege that, at all times
 18 relevant and mentioned herein, said careless, negligent, reckless and unlawful
 19 conduct by Defendants CITY OF OXNARD, OXNARD POLICE DEPARTMENT,
 20 THE CHIEF OF POLICE FOR THE OXNARD POLICE DEPARTMENT, JERI
 21 WILLIAMS, SENIOR OFFICER JOHN BRISSLINGER, OFFICER ERNIE
 22 OROZCO, OFFICER DON EHRHARDT, OFFICER JESS ARAGON, OFFICER
 23 ROCKY MARQUEZ, OFFICER PEDRO RODRIGUEZ, OFFICER RYAN
 24 LOCKNER, OFFICER ZACK STILES, OFFICER MATTHEW ROSS, and DOES
 25 1 through 10, inclusive, and each of them, was the direct, legal and proximate cause
 26 of the death of ALFONSO LIMON, JR., and the resulting damages to Plaintiffs as
 27 herein alleged.

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28. Plaintiffs are further informed, believe, and thereon allege that, at all times relevant and mentioned herein, Defendants CITY OF OXNARD and OXNARD POLICE DEPARTMENT owed a duty of care to all reasonably foreseeable people, including Plaintiff, to reasonably hire, select, retain, and discipline their police officers. Plaintiffs are informed, believe, and thereon allege that, at all times relevant and mentioned herein, Defendants CITY OF OXNARD and OXNARD POLICE DEPARTMENT owed a duty of care to all reasonably foreseeable people, including Plaintiff, to reasonably train and supervise their police officers to carry out their law enforcement duties, including particularly, the use of any firearms or any force whatsoever, in a reasonable manner.

29. Plaintiffs are further informed, believe, and thereon allege that, at all times relevant and mentioned herein, Defendants CITY OF OXNARD and OXNARD POLICE DEPARTMENT breached these duties by failing to adequately train and supervise their officers in the use of force. In fact, police officers at the scene were negligently and poorly trained, were negligently and poorly hired, were negligently and poorly supervised (both at the scene and before), and were negligently retained. Moreover, the CITY OF OXNARD supervisors at the scene negligently handled the stop and were negligent in their control and direction of the tactics and the officers at the scene. Additionally, the CITY OF OXNARD and the OXNARD POLICE DEPARTMENT, and all their employees and sworn officers, were negligent in the hiring, training, selection, supervision, retention, and disciplining of the officers involved in the shooting, as well as the officers who trained the involved officers throughout their careers, from the academy to the date in question.

30. Defendants further breached their duty in that the CITY OF OXNARD police officers who were at the scene of the SUBJECT INCIDENT, including THE CHIEF OF POLICE FOR THE OXNARD POLICE DEPARTMENT, JERI WILLIAMS, SENIOR OFFICER JOHN BRISSLINGER, OFFICER ERNIE

1 OROZCO, OFFICER DON EHRHARDT, OFFICER JESS ARAGON, OFFICER
 2 ROCKY MARQUEZ, OFFICER PEDRO RODRIGUEZ, OFFICER RYAN
 3 LOCKNER, OFFICER ZACK STILES, OFFICER MATTHEW ROSS, and DOES
 4 1-10 had a history of bad traffic stops, improper uses of force, and improperly
 5 discharging their firearms, and yet were never disciplined, or were not disciplined
 6 properly, and were never trained or re-trained properly, and were never removed
 7 from service.

8 31. Defendants further breached their duty because within the CITY OF
 9 OXNARD police department, there was a custom, policy and practice, whether
 10 express or implied, oral or written, that allowed all of the conduct outlined in this
 11 claim to occur and that allowed this tragic shooting to occur.

12 32. As a direct and proximate result of the aforesaid negligent conduct of
 13 the Defendants, and each of them, and the resultant death of ALFONSO LIMON,
 14 JR., Plaintiffs have suffered loss of earnings and earnings capacity of ALFONSO
 15 LIMON, JR., have incurred liability for funeral and burial expenses, and sustained
 16 injuries, including, but not limited to, loss of love, affection, comfort, care,
 17 companionship, and support of their beloved son, as well as loss of financial
 18 support, in an amount to be determined.

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THIRD CLAIM

VIOLATION OF CIVIL CODE §52.1

(By Plaintiffs ESTATE OF ALFONSO LIMON, JR., ALFONSO LIMON, SR., ALEJANDRA LIMON, and GERARDO LIMON Against CITY OF OXNARD, OXNARD POLICE DEPARTMENT, THE CHIEF OF POLICE FOR THE OXNARD POLICE DEPARTMENT, JERI WILLIAMS, SENIOR OFFICER JOHN BRISSLINGER, OFFICER ERNIE OROZCO, OFFICER DON EHRHARDT, OFFICER JESS ARAGON, OFFICER ROCKY MARQUEZ, OFFICER PEDRO RODRIGUEZ, OFFICER RYAN LOCKNER, OFFICER ZACK STILES, OFFICER MATTHEW ROSS, and DOES 1 through 10, Inclusive)

33. Plaintiffs restate and incorporate herein by reference each and every allegation and statement contained in the prior paragraphs.

34. Plaintiffs allege that Defendants, and each of them, interfered by threats, intimidation and/or coercion, with ALFONSO LIMON, JR.'s and GERARDO LIMON's exercise and enjoyment of their rights secured by the Constitution of the United States and the State of California, including interference with their rights to be secure in their persons and free from the use of excessive force and the right of protection from bodily restraint and harm.

35. The conduct of Defendants and DOES 1 through 10, and each of them, described herein above, was done within the course and scope of their employment, agency and/or service with Defendants CITY OF OXNARD and/or OXNARD POLICE DEPARTMENT, and under color of their authority, and Defendants CITY OF OXNARD and/or OXNARD POLICE DEPARTMENT, and each of them, are, therefore, vicariously liable for same under *Government Code* §§815.2, 815.3 and 820.

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COMPLAINT FOR DAMAGES

1 GERARDO LIMON posed absolutely no threat to Defendants or anyone else
2 whatsoever.

3 40. The conduct of Defendants and DOES 1 through 10, and each of them,
4 described herein above, was done within the course and scope of their employment,
5 agency and/or service with Defendants CITY OF OXNARD and/or OXNARD
6 POLICE DEPARTMENT, and under color of their authority, and Defendants CITY
7 OF OXNARD and/or OXNARD POLICE DEPARTMENT, and each of them, are,
8 therefore, vicariously liable for same under *Government Code* §§815.2, 815.3 and
9 820.

10 41. The aforementioned acts of Defendants and DOES 1 through 10 were
11 done by them knowingly, intentionally, and maliciously, for the purpose of
12 harassment, oppression and inflicting injury upon GERARDO LIMON, and in
13 reckless, wanton and callous disregard of his safety, security, and civil rights.

14 42. As a direct and proximate result of the aforesaid conduct of the
15 Defendants, and each of them, and the resultant assault on Plaintiff GERARDO
16 LIMON, Plaintiff GERARDO LIMON has suffered severe emotional distress.

17 FIFTH CLAIM

18 **NEGLIGENT INFLICTION OF EMOTIONAL DISTRESS**

19 **(By Plaintiff GERARDO LIMON Against CITY OF OXNARD, OXNARD**
20 **POLICE DEPARTMENT, THE CHIEF OF POLICE FOR THE OXNARD**
21 **POLICE DEPARTMENT, JERI WILLIAMS, SENIOR OFFICER JOHN**
22 **BRISSLINGER, OFFICER ERNIE OROZCO, OFFICER DON EHRHARDT,**
23 **OFFICER JESS ARAGON, OFFICER ROCKY MARQUEZ, OFFICER**
24 **PEDRO RODRIGUEZ, OFFICER RYAN LOCKNER, OFFICER ZACK**
25 **STILES, OFFICER MATTHEW ROSS, and DOES 1 through 10, Inclusive)**
26

27 43. Plaintiff restates and incorporates herein by reference each and every
28 allegation and statement contained in the prior paragraphs.

44. At the time of the SUBJECT INCIDENT which resulted in the death of DECEDENT ALFONSO LIMON, JR., his brother, GERARDO LIMON, was in a close proximity and was within the zone of danger to the injury-producing event. At such time and place, Plaintiff GERARDO LIMON saw his beloved brother visibly suffering severe and ultimately fatal injuries after being violently shot by Defendants. Plaintiff GERARDO LIMON was fully aware that his brother, DECEDENT ALFONSO LIMON, JR., suffered severe and ultimately fatal injuries, which he contemporaneously witnessed and heard, and which were legally, directly, and proximately caused by Defendants CITY OF OXNARD, OXNARD POLICE DEPARTMENT, THE CHIEF OF POLICE FOR THE OXNARD POLICE DEPARTMENT, JERI WILLIAMS, and DOES 1 through 10, inclusive, and each of them.

45. As a legal, direct, and proximate result of Plaintiff GERARDO LIMON seeing and hearing these events that caused the death of his brother, he has suffered and continues to suffer severe emotional distress, trauma anguish, fright, horror, nervousness, grief, anxiety, worry, and shock far beyond that which would be anticipated in a disinterested witness, and beyond that with which an ordinary, reasonable person would be able to cope.

46. Plaintiff is informed, believes, and thereupon alleges that it was the negligent conduct of CITY OF OXNARD, OXNARD POLICE DEPARTMENT, THE CHIEF OF POLICE FOR THE OXNARD POLICE DEPARTMENT, JERI WILLIAMS, SENIOR OFFICER JOHN BRISSLINGER, OFFICER ERNIE OROZCO, OFFICER DON EHRHARDT, OFFICER JESS ARAGON, OFFICER ROCKY MARQUEZ, OFFICER PEDRO RODRIGUEZ, OFFICER RYAN LOCKNER, OFFICER ZACK STILES, OFFICER MATTHEW ROSS, and DOES 1 through 10, inclusive, and each of them, as described above, that was the legal, direct, and proximate cause of the severe emotional distress suffered by Plaintiff GERARDO LIMON.

48. Plaintiff GERARDO LIMON is further informed, believes, and thereupon alleges that by reason of his injuries, both physical and emotional, he will necessarily incur additional like expenses for an indefinite period of time in the future, the exact amount of which expenses will be stated according to proof pursuant to California *Code of Civil Procedure* Section 425.10.

**(By Plaintiffs Against THE CHIEF OF POLICE FOR THE OXNARD
POLICE DEPARTMENT, JERI WILLIAMS, SENIOR OFFICER JOHN
BRISLINGER, OFFICER ERNIE OROZCO, OFFICER DON EHRHARDT,
OFFICER JESS ARAGON, OFFICER ROCKY MARQUEZ, OFFICER
PEDRO RODRIGUEZ, OFFICER RYAN LOCKNER, OFFICER ZACK
STILES, OFFICER MATTHEW ROSS, and DOES 1 through 5, Inclusive)**

51. The above acts and omissions, while carried out under color of law, have no justification or excuse in law, and instead constitute a gross abuse of

1 governmental authority and power, shock the conscience, are fundamentally unfair,
 2 arbitrary and oppressive, and unrelated to any activity in which governmental
 3 officers may appropriately and legally undertake in the course of protecting persons
 4 or property, or ensuring civil order. The above acts and omissions were consciously
 5 chosen from among various alternatives, thereby justifying the awarding of
 6 exemplary and punitive damages against each of the individual defendants in an
 7 amount to be determined according to proof at trial.

8 9 SEVENTH CLAIM

10 **VIOLATIONS OF 42 USC § 1983 - FOURTEENTH AMENDMENT –** 11 **INDIVIDUAL LIABILITY**

12 **(By Plaintiffs Against THE CHIEF OF POLICE FOR THE OXNARD**
 13 **POLICE DEPARTMENT, JERI WILLIAMS, SENIOR OFFICER JOHN**
 14 **BRISSLINGER, OFFICER ERNIE OROZCO, OFFICER DON EHRHARDT,**
 15 **OFFICER JESS ARAGON, OFFICER ROCKY MARQUEZ, OFFICER**
 16 **PEDRO RODRIGUEZ, OFFICER RYAN LOCKNER, OFFICER ZACK**
 17 **STILES, OFFICER MATTHEW ROSS, and DOES 1 through 5, Inclusive)**

18 52. Plaintiffs restate and incorporate herein by reference each and every
 19 allegation and statement contained in the prior paragraphs.

20 53. In addition to shooting at ALFONSO LIMON, JR., and GERARDO
 21 LIMON without probable cause and in an unreasonable manner, the individual and
 22 Doe defendants deprived ALFONSO LIMON, JR., and GERARDO LIMON of
 23 rights secured by the Due Process Clause of the Fourteenth Amendment, causing
 24 them to be deprived of substantive and procedural due process.

25 54. The above acts and omissions, while carried out under color of law,
 26 have no justification or excuse in law, and instead constitute a gross abuse of
 27 governmental authority and power, shock the conscience, are fundamentally unfair,
 28 arbitrary and oppressive, and unrelated to any activity in which governmental

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 11111 Santa Monica Boulevard, Suite 700
 Los Angeles, California 90025
 310.477.1700 phone • 310.477.1699 fax

1 officers may appropriately and legally undertake in the course of protecting persons
 2 or property, or ensuring civil order. The above acts and omissions were consciously
 3 chosen from among various alternatives, thereby justifying the awarding of
 4 exemplary and punitive damages against each of the individual defendants in an
 5 amount to be determined according to proof at trial.

7 EIGHTH CLAIM

8 **VIOLATIONS OF 42 USC § 1983 - ENTITY LIABILITY**

9 **(By Plaintiffs Against CITY OF OXNARD, OXNARD POLICE**

10 **DEPARTMENT, and DOES 5 through 10, Inclusive)**

11 55. Plaintiffs restate and incorporate herein by reference each and every
 12 allegation and statement contained in the prior paragraphs.

13 56. Plaintiffs are informed and believe and thereon allege that, at all times
 14 herein mentioned, Defendants CITY OF OXNARD, OXNARD POLICE
 15 DEPARTMENT and DOES 5 through 10, with deliberate indifference, and
 16 conscious and reckless disregard to the safety, security and constitutional and
 17 statutory rights of ALFONSO LIMON, JR., and GERARDO LIMON, including the
 18 right to be free from excessive force, detention and arrest not based on reasonable
 19 suspicion or probable cause under the Fourth Amendment and the right to
 20 procedural and substantive due process under the Fourteenth Amendment, tolerated,
 21 ratified, permitted, acquiesced in, and/or applied, among others, the following
 22 policies, practices and customs:

- 23 a. Failing to adequately train, supervise, and control their officers
- 24 in the use of force; and
- 25 b. Failing to adequately train, supervise, and control their officers
- 26 in protecting the substantive and procedural due process rights of
- 27 individuals and suspects.

28 ///

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 Los Angeles, California 90025
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PRAAYER

COMPLAINT FOR DAMAGES

ORIGINAL

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Central District of California

THE ESTATE OF ALFONSO LIMON, JR.; ALFONSO LIMON,
 SR., individually, and as Successor in Interest to
 ALFONSO LIMON, JR.; ALEJANDRA LIMON, individually,
and as Successor in Interest to ALFONSO LIMON, JR.;
 GERARDO LIMON, an *Plaintiff(s)*
 individual v.

CV13-01961 SS
 Civil Action No.

CITY OF OXNARD; THE OXNARD POLICE DEPARTMENT; THE
 CHIEF OF POLICE FOR THE OXNARD POLICE DEPARTMENT;
 JERI WILLIAMS; SENIOR OFFICER JOHN BRISSLINGER;
OFFICER ERNIE OROZCO; OFFICER DON EHRHARDT; OFFICER
 JESS ARAGON; OFFICER *Defendant(s)*
 ROCKY MARQUEZ; OFFICER PEDRO RODRIGUEZ; OFFICER RYAN LOCKNER;
 OFFICER ZACK STILES; OFFICER MATTHEW **SUMMONS IN A CIVIL ACTION**
 ROSS; and DOES 1 through 10, Inclusive

To: *(Defendant's name and address)*

A lawsuit has been filed against you.

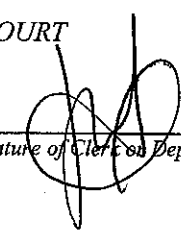
Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

MAR 19 2013

Date: _____

CLERK OF COURT



Signature of Clerk or Deputy Clerk

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself ☐)

THE ESTATE OF ALFONSO LIMON, JR.; ALFONSO LIMON, SR., individually, and as Successor in Interest to ALFONSO LIMON, JR

(b) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)

Adam K. Shea
PANISH SHEA & BOYLE LLP
11111 Santa Monica Boulevard
Suite 700
Los Angeles, CA 90025
(310) 477-1700

DEFENDANTS

CITY OF OXNARD; THE OXNARD POLICE DEPARTMENT; THE CHIEF OF POLICE FOR THE OXNARD POLICE DEPARTMENT, JERI WILLIAMS;

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an X in one box only.)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant.)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in this State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. ORIGIN (Place an X in one box only.)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify): ☐ 6 Multi-District Litigation ☐ 7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☒ Yes ☐ No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23: ☐ Yes ☒ No

☐ MONEY DEMANDED IN COMPLAINT: \$

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

Violations of Civil Rights (42 USC §1983): individual liability under 4th & 14th Amendments; entity liability under 4th Amendment.

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	TORTS - PERSONAL INJURY	TORTS - PERSONAL PROPERTY	PRISONER PETITIONS	LABOR
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 710 Fair Labor Standards Act
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 530 General Habeas Corpus	<input type="checkbox"/> 720 Labor/Mgmt. Relations
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act
<input type="checkbox"/> 450 Commerce/ICC Rates/etc.	<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 740 Railway Labor Act
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	BANKRUPTCY	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 790 Other Labor Litigation
<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Veterans)	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157	FOREFEITURE/PENALTY	PROPERTY RIGHTS
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	CIVIL RIGHTS	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 810 Selective Service	<input type="checkbox"/> 160 Stockholders' Suits	<input checked="" type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 630 Liquor Laws	SOCIAL SECURITY
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 891 Agricultural Act	REAL PROPERTY	IMMIGRATION	<input type="checkbox"/> 445 American with Disabilities - Employment	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 892 Economic Stabilization Act	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 462 Naturalization Application	<input type="checkbox"/> 446 American with Disabilities - Other	<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 863 DIWC/DIWW (405(g))
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 463 Habeas Corpus-Alien Detainee	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 894 Energy Allocation Act	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 465 Other Immigration Actions			<input type="checkbox"/> 865 RSI (405(g))
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 240 Torts to Land				FEDERAL TAX SUITS
<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	<input type="checkbox"/> 245 Tort Product Liability				<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 290 All Other Real Property				<input type="checkbox"/> 871 IRS - Third Party 26 USC 7609

CV13-01961

FOR OFFICE USE ONLY: Case Number:

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET

VIII(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ No ☐ Yes

If yes, list case number(s): _____

VIII(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ No ☐ Yes

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

- (Check all boxes that apply) ☐ A. Arise from the same or closely related transactions, happenings, or events; or
☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: (When completing the following information, use an additional sheet if necessary.)

(a) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named plaintiff resides.

☐ Check here if the government, its agencies or employees is a named plaintiff. If this box is checked, go to item (b).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Ventura County	

(b) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** named defendant resides.

☐ Check here if the government, its agencies or employees is a named defendant. If this box is checked, go to item (c).

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Ventura County	

(c) List the County in this District; California County outside of this District; State if other than California; or Foreign Country, in which **EACH** claim arose.

Note: In land condemnation cases, use the location of the tract of land involved.

County in this District:*	California County outside of this District; State, if other than California; or Foreign Country
Ventura County	

* Los Angeles, Orange, San Bernardino, Riverside, Ventura, Santa Barbara, or San Luis Obispo Counties

Note: In land condemnation cases, use the location of the tract of land involved.

X. SIGNATURE OF ATTORNEY (OR PRO PER):

ADAM K. SHEA

Date 3-18-13

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))